

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 IO-14 CG-00 OIC-04 ACDA-19

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEAE-00 AEC-11

AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 AF-10

EA-11 EUR-25 NEA-14 DRC-01 /269 W

----- 033830

R 260241Z JUN 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4338

INFO USUN NEW YORK 0595

C O N F I D E N T I A L CARACAS 5781

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: PROCEDURES

REF: CARACAS 5733

1. SUMMARY: CONFERENCE JUNE 25 MOVED CLOSE TO RESOLUTION OF ALL VOTING ISSUES IN RULES OF PROCEDURE INCLUDING REAFFIRMATION OF GENTLEMAN'S AGREEMENT, RULE 37 (DEFERMENT OF VOTING) AND REQUIRED VOTING MAJORITIES IN MAIN COMMITTEES AND PLENARY. PACKAGE, WHICH WAS PUT TOGETHER BY AMERASINGHE, WAS NOT FORMALLY PUT TO PLENARY TODAY AND DISCUSSION ON IT WILL CONTINUE TOMORROW. IT IS DELICATELY BALANCED COMPROMISE AND AMERASINGHE OBVIOUSLY WISHES TO SECURE ITS APPROVAL AS QUICKLY AS POSSIBLE. END SUMMARY.

2. DETAILS. INFORMAL MEETINGS ON RULES OF PROCEDURE WOUND UP WITH MORNING SESSION JUNE 25. AMERASINGHE PLACED BEFORE GROUP FOLLOWING PROPOSAL, BASED ON INDIAN AND AUSTRALIAN/CANADIAN SUGGESTIONS, FOR QUORUMS AND VOTING PROCEDURE IN MAIN

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COMMITTEES AND PLENARY:

(A) MAIN COMMITTEES-QUORUM: SIMPLE MAJORITY OF PARTICIPANTS IN RESPECTIVE SESSIONS/ OF CONFERENCE; VOTING: SUBSTANTIVE DECISIONS BY SIMPLE MAJORITY OF STATES PRESENT AND VOTING.

(B) PLENARY--QUORUM: TWO-THIRDS OF PARTICIPANTS IN CONFERENCE; VOTING: SUBSTANTIVE DECISIONS BY TWO-THIRDS OF STATES PRESENT AND VOTING PROVIDED NUMBER OF AFFIRMATIVE VOTES CONSTITUTES AT LEAST SIMPLE MAJORITY OF PARTICIPANTS IN RESPECTIVE SESSION OF CONFERENCE (ABOUT 75).

(C) ADOPTION OF FINAL TEXT OF LOS CONVENTION: EITHER

(1) BY THE SAME VOTE AS REQUIRED FOR SUBSTANTIVE DECISION IN PLENARY, OR (2) BY TWO-THIRDS OF MAJORITY OF STATES PARTICIPATING IN RESPECTIVE SESSION OF CONFERENCE (BULGARIAN PROPOSAL, PARA 5, REFTEL).

3. SINGAPORE, WITH LAND-LOCKED GROUP SUPPORT PROPOSED THREE AMENDMENTS TO CHAIRMAN'S COMPROMISE:

(A) INCREASE OF QUORUM REQUIREMENT IN COMMITTEE FROM SIMPLE MAJORITY OF PARTICIPANTS TO TWO-THIRDS OF PARTICIPANTS IN RESPECTIVE SESSION OF CONFERENCE.

(B) CHANGING VOTING MAJORITY REQUIRED IN PLENARY TO TWO-THIRDS OF THOSE VOTING YES, NO OR ABSTAINING, INCLUDING AT LEAST SIMPLE MAJORITY OF ALL PARTICIPANTS AND

(C) BULGARIAN AMENDMENT (ALTERNATIVE 2 OF CHAIRMAN'S PAPER).

4. INTENSIVE CONSULTATIONS BETWEEN ADJOURNMENT OF INFORMAL MEETING AND AFTERNOON PLENARY SESSION RESULTED IN NEAR CONSENSUS ON AN ELABORATION OF AMERASINGHE'S EARLIER PAPER WHICH WOULD LEAVE UNCHANGED HIS PROPOSALS FOR QUORUM REQUIREMENTS AND VOTING MAJORITIES IN MAIN COMMITTEES AND PLENARY, BUT WHICH INCLUDED FOLLOWING NEW RULE ON ADOPTION OF FINAL LOS CONVENTION AS A WHOLE: "UPON COMPLETION OF ITS WORK, THE CONFERENCE SHALL ADOPT THE CONVENTION ON THE LAW OF THE SEA AS A WHOLE THROUGH A SINGLE VOTE BY A MAJORITY TO BE DETERMINED, IF NECESSARY, IN ACCORDANCE WITH PARAGRAPH 1 OF RULE 39." (I.E., BY TWO-THIRDS OF THE STATES PRESENT AND VOTING, PROVIDED THAT CONSTITUTES SIMPLE MAJORITY OF PARTICIPANTS IN THAT SESSION OF THE CONFERENCE.)

5. THIS VERSION OF AMERASINGHE'S COMPROMISE VOTING PROPOSAL IS INCORPORATED IN WORKING PAPERS WHICH SET FORTH OVERALL PACKAGE ALSO INCLUDING DECLARATION REAFFIRMING GENTLEMAN'S AGREEMENT AND RULE 37 (BOTH SUBSTANTIALLY AS REPORTED REFTEL). PLENARY DISCUSSION OF PACKAGE INDICATED THAT CONSENSUS IS CLOSE ON CONFIDENTIAL

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ACCEPTANCE OF WORKING PAPERS. IT IS NOT YET CLEAR WHETHER SINGAPORE AND LAND-LOCKED GROUP WILL WITHDRAW THEIR AMENDMENT, WHICH IS NOW FORMALLY TABLED EE GROUP REMAINS TO BE HEARD FROM PUBLICLY, THOUGH SOVIETS AND GROUP REPORTEDLY ACCEPTED IT ON INFORMAL BASIS. MAJOR PROBLEM HOWEVER, APPEARS TO LIE WITH AFRICAN GROUP, WITH TANZANIA, KENYA, AND CAMEROON ALL EXPRESSING RESERVATIONS TO ONE ASPECT OR OTHER OF COMPROMISE. THERE IS ALSO SOME CONFUSION AS TO WHETHER INITIAL AFRICAN GROUP AGREEMENT ON IT

WAS BASED ON ACCURATE UNDERSTANDING OF PROPOSAL.

6. AMERASINGHE SEEMS DETERMINED TO ADOPT RULES OF PROCEDURE
THIS WEEK, AND THUS MEET JUNE 27 DEADLINE SET BY CONFERENCE
LAST DECEMBER. HE WILL MEET WITH SPONSORS OF AMENDMENTS TO ALL
OTHER DRAFT RULES OF PROCEDURE TOMORROW MORNING IN PARALLEL
EFFORT TO FORGE AGREEMENT ON OTHER ASPECTS OF RULES.
STEVENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, VOTING, ADOPTION, COMMITTEE MEETINGS, MEETING PROCEEDINGS, MEETING REPORTS, PROPOSALS (BID)
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CARACA05781
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740168-0812
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740613/aaaaaktx.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: CARACAS 5733
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUL 2002 by kelleyw0>; APPROVED <25 MAR 2003 by BoyleJA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: PROCEDURES
TAGS: PLOS, PBOR, VE, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005